REMARKS

The present invention provides methods and compositions comprising a neuronal sodium channel antagonist for the prevention, amelioration or control of an ectoparasitic infection or infestation in a homeothermic animal.

Claims 1, 14-17, 26 and 45-47 are pending in this application. Claims 1-45 and 48 have been cancelled.

Examiner has made the restriction requirement final.

Applicants have cancelled claims 1 and 14-17 to exclude the non-elected subject matter. Applicants reserve the right to file a divisional application directed toward the non-elected subject matter.

Claims 26 and 45 have been rejected under 35 U.S.C. § 102(a) as being anticipated by Treacy et al (WO 00/54591).

Without implying any agreement with Examiner and solely to advance prosecution, applicants have cancelled claims 26 and 45.

Claims 26 and 45-47 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Treacy et al (WO 00/54591) in view of Hackett et al (US 6,955,818) and Petras. Applicants respectfully request Examiner withdraw the rejection under 35 U.S.C. § 102(a).

Applicants respectfully traverse the rejection. Treacy et al disclose a leaf dip assay wherein cotton leaves are immersed in 1:1 v/v acetone/water solutions of a test compound, or solutions of a combination of test compounds, for a period of about 3 seconds. The test compounds are present at dose rates of parts per million (ppm). A composition wherein the test compound (active ingredient) is present in parts per million in a carrier consisting of 1:1 v/v acetone/ water does not anticipate nor teach a composition wherein the active ingredient is present in parts per hundred (20% = 20 parts per one hundred and 10% = 10 parts per one hundred) in a pharmaceutically acceptable carrier. Acetone is a level 3 hazardous material which is extremely flammable, harmful if swallowed or inhaled, causes irritation to skin, eyes and respiratory tract and adversely affects the central nervous system. It is clear, acetone is not a pharmaceutically acceptable carrier. Further, the concentrations of the active ingredients of the compositon of Treacy et al are in the $0.1x10^{-6}$ to $10X10^{-6}$ range, whereas the composition of the invention has active ingredient concentrations of $2X10^{-1}$ (20%) and $1x10^{-1}$ (10%). The Treacy et al reference does not anticipate, enable nor teach the composition of the invention. The Hackett reference discloses a carrier system useful for veterinary pour-on formulations. Hackett lists active ingredients suitable for use with the carrier system and exemplifies several of the listed active ingredients. No where does Hackett list or exemplify or even suggest that a sodium channel antagonist such as the instant formula Ia or a formamidine compound such as amitraz may be suitable for use in a veterinary pour-on formulation. Hackett discloses a specific complex carrier system for use in a veterinary pour-on formulation and suggests a number of suitable actives, excluding the active ingredients of the instant invention. Petrus discloses a topical composition useful as an insect repellant for humans and animals having an essential volatile oil such as eucalyptus oil and a bio-affective agent or agents such as a zinc salt and vitamin A. Petrus, alone or in combination with Hackett or Treacy, does not teach or anticipate the ectoparasiticidal composition of the invention. Without impermissable hindsight, one of ordinary skill in the art would not look to the crop protection methods and compositions disclosed by Treacy et al to obtain the ectoparasiticidal composition of the invention. There is no motivation to combine the teachings of Hackett or Petrus with the disclosure of Treacy et al to obtain an ectoparasiticidal veterinary compositon. Hackett and Petrus suggest active ingredients suitable for topical compositons which exclude the active ingredients of the instant invention. Treacy discloses a laundry list of possible second active ingredients to be used in combination with a broad family of sodium channel antagonists in crop protection and hygienic pest control. Treacy does not teach topical veterinary or human compositions. Hackett and Petrus do not teach the veterinary composition of the invention. Without previous knowledge of the instant invention, there is no motivation to combine Treacy, Hackett and Petrus. In view of the amendments to the claims and the foregoing remarks, Applicants submit that the rejection under 35 U.S.C. § 103(a) has been overcome.

In conclusion, in view of the amendments to the claims, as shown hereinabove and in view of the foregoing, Applicants believe that Examiner's rejections under 35 U.S.C. § 102(a) and § 103(a) have been overcome. Applicants submit all of the claims of the present application are now in condition for allowance. Applicants respectfully request Examiner to enter the above amendments, consider the above remarks, withdraw the rejections and allow the application.

Favorable treatment of the application is earnestly solicited.

Respectfully submitted,

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